



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Scott O. Seydel, et al.

Serial No.: 09/549,647

Filed: April 14, 2000

For: Enzyme-Containing Granule And
Detergent Composition

Examiner: John R. Hardee

Group No.: 1751

Docket No.: 032785.00046
(SYC28C)

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

Dear Sir:

**DECLARATION IN SUPPORT OF A PETITION FOR REVIVAL OF APPLICATION OF
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)**

I, Shirley T. Hirsch, of Greenville, South Carolina hereby declare:

- (1) That I am employed in the Intellectual Property Group of the McNair Law Firm in Greenville, South Carolina as a Legal Assistant;
- (2) That I have thirteen years of experience as Legal Assistant and Secretary in the Patent field;
- (3) That my employer has in place a filing and docketing system using the FlexTrac® system and that on each Tuesday morning a docket review is held to determine that cases are being called and prosecuted and filed in a prompt manner;
- (4) That our client, the Assignee of the subject patent application, was timely notified of the final office action in the subject application.

RECEIVED
MAY 06 2002
OFFICE OF PETITIONS

was unable to make a decision on whether or not to file a Continued Prosecution Application, an appeal, or to drop the subject patent application and such decision was not made and transmitted to our law firm until April 15, 2002, one week before the end of the six months statutory period in which to answer the office action that was mailed on October 22, 2001;

- (5) That on April 16, 2002, I was instructed by the attorney handling the case, William D. Lee, Jr., to prepare the paperwork for filing Continued Prosecution Application;
- (6) That because of a heavy work load and the number of documents to be filed during that week, the paperwork and documentation for filing the CPA case was not completed until April 19, 2002;
- (7) That I prepared the paperwork, it was signed and the envelope for mailing by Express Mail to the Patent Office;
- (8) That inadvertently and unexplainably when I left the office on that evening the subject Patent Application was not among the items to be express mailed that I carried to the local Post Office;
- (9) That it was not until the morning of Tuesday, April 23, 2002, that I discovered the misplaced Express Mail package containing the subject Patent Application; and,
- (10) That the failure to file the Application on April 19, 2002 or April 22, 2002 was unintentional as everything for filing had been prepared according to our system for filing and docketing. It was timely

prepared but the delay was unintentional due to inadvertent
misplacing of the mailing package.

I, Shirley T. Hirsch, do hereby declare that all statements made herein of
my knowledge are true and that all statements made on information and belief are
believed to be true; and further that these statements were made with the knowledge
that willful false statements and the like so made are punishable by fine or
imprisonment, or both, under Section 1001 of Title 18 of the United States code, and
that such willful false statements may jeopardize the validity of the application, any
patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,



Shirley T. Hirsch
McNAIR LAW FIRM, P.A.
P.O. Box 10827
Greenville, SC 29603-0827
Telephone: (864) 232-4261

J:\CLIENTS\SYC\SYC28\ShirleyHirsch
Declaration.doc
April 30, 2002